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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,529	12/31/2003	Kevin R. Driscoll	256.197US1	5548
21186 7590 06/01/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER YALEW, FIKREMARIAM A	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/750,529	Applicant(s) DRISCOLL, KEVIN R.	
	Examiner Fikremariam Yalew	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responding to the amendment received on 03/09/2007.
2. Claims 1,4,9,13,24-35 have been amended. Claims 1-35 are pending.
3. The examiner withdraws 35 USC 101 rejections based on the applicant amendment.

Response to Arguments

4. **Applicant's arguments with respect to claim 1-4,9-19,24-27,32-35 have been considered but are moot in view of the new ground(s) of rejection.**
5. Applicant's arguments with respect to claim 5-8,28-31 have been fully considered but they are not persuasive.

Regarding to Claims 5 and 28, the applicant argued that the prior art does not teach or suggest "generating a hash across the data using the ephemeral value as a key of the hash". The examiner disagree and points out that the prior art teach generating a hash across the data using the ephemeral value as a key of the hash (See page 6 lines 25-33 and Figs 2-3 i.e., nonce. hash).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-4,9-19,24-27,32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, P. K.,et al(hereinafter referred as Johnson) (W0 00/18162) in view of Imai et al(hereinafter referred as Imai)US Patent No 6,910,130 B2.**

8. As per claim 1,13,24: Johnson discloses a method/apparatus/a physical machine-readable medium comprising: receiving an ephemeral value from a challenging device (See col 6 lines 17-24 and Figs 2,3); retrieving data whose content is known to the challenging device (col 6 lines 25-33 and Fig 2,3); generating a digital signature of the data based on the ephemeral value (Col 6 lines 25-33 and Figs 2,3); and transmitting the digital signature to the device (Col 6 lines 25-33 and Figs 2,3).

Johnson does not explicitly teach a cryptographic key having a value that is equal to the ephemeral value.

However Imai discloses a cryptographic key having a value that is equal to the ephemeral value (See Fig 7 step 74 and col 3 lines 63 through col 4 line 4) .Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Johnson to include cryptographic key having a value that is equal to the ephemeral value. This modification would have been motivated to do so, as suggested by (See col 4 lines 39-42), inorder to enhance the security of a digital signature system.

9. As per claim 2,25: the combination of Johnson and Imai disclose the method wherein receiving the ephemeral value from the challenging device comprises receiving

a randomly generated number from the challenging device (See Johnson col 6 lines 1-9).

10. As per claim 3,26: the combination of Johnson and Imai disclose the method wherein retrieving the data comprises retrieving at least part of application code (See Johnson col 7 lines 23-30).

11. As per claim 4,27: the combination of Johnson and Imai disclose the method wherein generating the digital signature of the data based on the ephemeral value comprises generating a one-way hash across the data with the cryptographic key having a value that is equal to the ephemeral value (See Johnson col See Fig 7 step 74 and col 3 lines 63 through col 4 line 4).

12. As per claim 9,32: Johnson discloses a method comprising: authenticating data having predictable content and stored in an address space of a remote device, the authenticating comprising: generating a random number (See col 10 lines 20-33); transmitting the random number to a remote device presumably having the data (See col 6 lines 17-24 and Figs 2,3); receiving, from the remote device, a first digital signature that is representative of the data (See Col 6 lines 25-33 and abstract);

Johnson does not explicitly teach generating a second digital signature based on the random number; and comparing the first digital signature to the second digital signature.

However Imai discloses generating a second digital signature based on the random number (See claim 23 and Fig 5 steps 51-53); and comparing the first digital signature to the second digital signature(See claim 23 and Fig 7 steps 71,74).

This modification would have been motivated to do so, as suggested by (See col 4 lines 39-42), in order to enhance the security of a digital signature system.

13. As per claim 10,33: the combination of Johnson and Imai disclose the method wherein authenticating the data having predictable content comprises authenticating an application executable (See Johnson col 7 lines 1-3).

14. As per claim 11,34: the combination of Johnson and Imai disclose the method wherein authenticating the data having predictable content comprises authenticating at least one security parameter (See Johnson col 7 lines 1-3).

15. As per claim 12,35: the combination of Johnson and Imai disclose the method wherein authenticating further comprises marking the data as authenticated if the first digital signature equals the second digital signature (See Johnson abstract and Fig 3).

16. As per claim 14: the combination of Johnson and Imai disclose the apparatus wherein the I/O logic is to receive the request for authentication from a challenge device, the I/O logic to transmit the cryptographic hash back to the challenge device (See Johnson Figs 2,3).

17. As per claim 15: the combination of Johnson and Imai disclose the apparatus wherein the storage medium is a nonvolatile memory (See Johnson col 10 lines 3-16).

18. As per claim 16: the combination of Johnson and Imai disclose further comprising a data selection logic to select less than all of the data, wherein the at least part of the data is the less than all of the data (See Johnson col 6 lines 17-24 and Figs 2,3).

19. As per claim 17: the combination of Johnson disclose the apparatus wherein the data selection logic is to select less than all of the data based on a random number based selection of segments of the data (See Johnson col 6 lines 17-24 and Figs 2,3).

20. As per claim 18: the combination of Johnson and Imai disclose the apparatus wherein the data comprises an application to be executed in the apparatus (See Johnson col 7 lines 1-3).

21. As per claim 19: the combination of Johnson and Imai disclose the apparatus wherein the data comprises at least one security parameter of the apparatus (See Johnson col 7 lines 1-3).

Claim Rejections - 35 USC § 102

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

23. Claims 5-8,20-23,28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson, P. K.,et al(hereinafter referred as Johnson) (W0 00/18162).

24. As per claim 5,28: Johnson discloses a method comprising: receiving, into a response device, an ephemeral value from a challenge device (See col 6 lines 17-24

and Figs 2,3); retrieving data from an address space in the response device, wherein the data is known to the challenge device and the response device (col 6 lines 25-33 and Fig 2,3); generating a hash across the data using the ephemeral value as a key of the hash (Col 6 lines 25-33 and Figs 2,3); and transmitting at least part of the hash to the challenge device(See Col 6 lines 25-33 and Figs 2 step 212B).

25. As per claim 6,29: Johnson discloses the method further comprising generating a reduced hash based on the hash, wherein transmitting the ephemeral value and the at least part of the hash to the challenge device comprises transmitting the ephemeral value and the reduced hash to the challenge device (See abstract).

26. As per claim 7,30: Johnson discloses the method wherein retrieving the data from the address space in the response device comprises retrieving application code to be executed in the response device (col 6 lines 25-33 and Fig 2,3).

27. As per claim 8,31: Johnson discloses the method wherein retrieving the data from the address space in the response device comprises retrieving configuration parameters of the response device (col 6 lines 25-33 and Fig 2,3).

28. As per claim 20: Johnson discloses a challenge device to authenticate data presumably stored in a response device, the challenge device comprising: a storage medium to store a copy of the data presumed to be stored in the response device (See Fig 1 step 128); a key generation logic to generate an ephemeral value (See Fig 1 step 126 and col 6 lines 1-5); an input/output (I/O) logic to output a request for authentication to a response device, wherein the request includes the ephemeral value, the I/O logic to receive a first digital signature from the response device in response to the request for

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authentication(See Fig 2,3 and abstract); a signature logic to retrieve the copy of the data and the ephemeral value and to generate a second digital signature(See Fig 2,3 and abstract); and an authentication logic to compare the first digital signature to the second digital signature, wherein the data is authenticated if the first digital signature equals the second digital signature(See Fig 2,3 and abstract).

29. As per claim 21: Johnson discloses the challenge device wherein the ephemeral value comprises a randomly generated value (See col 6 lines 1-3).

30. As per claim 22: Johnson discloses the challenge device wherein the data comprises application code to be executed by the response device (col 7 lines 1-3).

31. As per claim 23: Johnson discloses the challenge device wherein the data comprises at least one configuration parameter of the remote device (col 7 lines 1-3).

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser, can be reached on 5712738300. The fax phone number for the organization where this application or proceeding is assigned is 571-272-4195.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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5,27,07